



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Michael David Boyd et al.
Serial No. : 09/937,902
I. A. Filing Date : March 31, 2000
Title : ACCESS PANEL

Examiner : Nahid Amiri
Group Art Unit : 3635
Confirmation No. : 7123
Atty. Docket No. : 506568.0001

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**RESPONSE TO OFFICE ACTION AND CONDITIONAL REQUEST FOR
RESETING OF PERIOD FOR RESPONSE**

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to the office action of April 23, 2003 in which a one month period was set for response.

An amendment was filed in this application on February 14, 2003. In this amendment, applicants cancelled some claims, amended a number of claims and presented arguments regarding the patentability of the claims remaining in the application. The amendment was based on the claims which exist in PCT/AU00/00280 as evidenced by

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: May 22, 2003

Signature: Lea T. Page

Printed Name: LEA T. PAGE

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

international publication WO 00/60191. It should be noted here that the present application is the U.S. national phase of application PCT/AU00/00280. A copy of WO 00/60191 is enclosed for the convenience of the examiner.

After the February 14, 2003 amendment was received by the Office, examiner Amin called applicants' undersigned attorney to discuss some sort of a discrepancy between what she said was "the application on file" and the amendment of February 14, 2003. Apparently, the so-called "application on file" comprises a set of papers which include only 37 claims, whereas international publication WO 00/60191, upon which the amendment was based, includes 40 claims.

While it is applicants' position that the prosecution of this national phase application should proceed on the basis of the disclosure and claims of application as set forth in international publication WO 00/60191, rather than on the basis of some set of papers whose origin is unknown¹, particularly in view of the fact that the application was filed and accepted pursuant to 35 U.S.C. § 371 and 37 C.F.R. § 1.495², in order to accommodate the examiner, applicants' undersigned attorney suggested that the examiner issue an action pointing out the discrepancy between the action and the so-called "application" in the Office file and attaching a copy of the "application" so that these papers, whatever they are, could be reviewed by applicants' undersigned attorney before responding. This action was mailed on April 23, 2003.

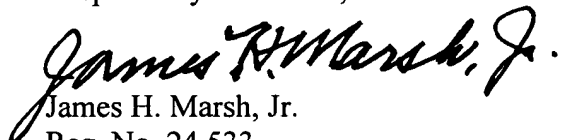
¹ It is pointed out in this regard that applicants' undersigned attorney's file indicates that the original application documentation included only a copy of WO 00/60191 and therefore applicants' undersigned attorney has no knowledge of a set of application papers which include only 37 claims.

² See the March 28, 2002 Notice of Acceptance.

The April 23, 2003 action was received on April 28, 2003 and applicants' undersigned attorney noted that although the action stated that a "copy of the application" was attached, no such papers were in fact received. Whereupon, applicants' undersigned attorney immediately called examiner Amin and was told that she would see to it that the "copy of the application" would be forwarded immediately. However, to date, the promised papers have not been received.

In any event, as stated above, it is applicants' position that the prosecution should proceed on the basis of the application which consists of the specification and claims of WO 00/60191 pursuant to 35 U.S.C. §371. Thus, the amendment filed on February 4, 2003 is fully responsive. On the other hand, if the examiner continues to hold the view that some papers other than WO 00/60191 constitute "the application", then it is respectfully requested that a copy of "the application" be forwarded to applicants' undersigned attorney forthwith and that the period for response to the April 23, 2003 action be restarted with the mailing of such copy.

Respectfully submitted,



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